

**THE PRITCHARD LAW FIRM, PLLC
DAVID L. PRITCHARD
1244 SOUTHRIDGE COURT, STE 102
HURST, TX 76053
(817) 285-8017
(817)285-0224 FACSIMILE
STATE BAR #16349990**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE: VIABLE CONTRACTORS, LLC, DEBTOR	*	CASE NO 24-40547-ELM7 CHAPTER 7
	*	
	*	
	*	
	*	
	*	
	*	
JEREMY BROOKS and SHIRLEY SMITH	*	
	*	
MOVANT	*	
	*	Preliminary Hearing Date:
VS.	*	December 11, 2024 at 9:30 A.M.
	*	
	*	
VIABLE CONTRACTORS, LLC, DEBTOR	*	
BEHROOZ P. VIDA TRUSTEE,	*	
	*	
RESPONDENT(S)		

MOTION TO LIFT STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, JEREMY BROOKS AND SHIRLEY SMITH hereinafter called
Movants, and file this Motion to Lift Stay in the above styled and numbered case.

I.

Jurisdiction of the Bankruptcy Court in this case is based upon 28 U.S.C. #1471, 11 U.S.C. #362.

II.

Movants are a creditor of the Debtor and Debtor will receive notice of this action by regular U.S.
mail or by ECF guidelines at **6820 OAK CREST DR E, FORT WORTH, TEXAS 76140.**

III.

Jeremy Brooks is the property manager of the Debtor's landlord Shirley Smith for the property at **6820 OAK CREST DR E, FORT WORTH, TEXAS 76140**. The Debtor has rejected the lease in its schedules.

IV.

Movant and Debtor have a lease term beginning before January 1, 2024. It is a month-to-month lease. The lease is for storage of personal property in the warehouse on property.

V.

The Debtor has not paid the monthly rent for any month in 2024 up to and including November. The monthly rent is \$1,500.00. Thus, the Debtor is past due on his rent totalling \$16,500.00. Rent for December is due again on December 1, 2024.

VI.

The Debtor continues to store property in a warehouse building and the surrounding property at 6820 Oak Crest Dr E, Fort Worth, Texas 76140.

VII.

Pursuant to Sections 362(d) of the Bankruptcy Code, Movant requests that the Court, after notice and hearing, grant relief from the stay provided under Section 362(a) of the Bankruptcy Code by terminating, annulling, modifying, or conditioning such stay. Movants would show that cause exists for the Court to so terminate, annul, modify, or condition the stay for cause based on the fact Debtor has not paid rent.

WHEREFORE PREMISES CONSIDERED, Movant prays that this motion be set for hearing and, upon final hearing hereof, that the Bankruptcy Court terminate, annul, modify, or condition the stay so as to permit the Movants to gain possession of the property and terminate the lease and take all action permitted by Texas State Law to remove the items stored on the property and that the Bankruptcy Court grant such other and further relief as is just and right and to which the Movant may show himself justly entitled both at law and in equity.

Respectfully submitted,

THE PRITCHARD LAW FIRM, PLLC

/s/ David L. Pritchard
By: DAVID L. PRITCHARD
STATE BAR #16349990
MICHAEL P. GOMEZ
STATE BAR #24140097
1244 SOUTHRIDGE COURT, STE 102
HURST, TX 76053
(817) 285-8017
(817)285-0224 FACSIMILE
david@dlplegal.com

CERTIFICATE OF CONFERENCE

The undersigned called the Debtor's counsel and left a message on November 14, 2024 and the motion is presented as OPPOSED.

The undersigned called the Trustee's counsel and left a message on November 14, 2024 and the motion is presented as OPPOSED.

/s/ David L. Pritchard
David L. Pritchard

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Lift Stay was mailed to the following people by placing same in the United States Mail, postage prepaid, properly addressed to and/or Pursuant to the ECF guidelines:

ERIC ALLEN MASKELL
LEE LAW FIRM, PLLC
8701 BEDFORD EULESS RD
SUITE 510
HURST, TX 76053

CHRISTOPHER MARVIN LEE
LEE LAW FIRM, PLLC
8701 BEDFORD EULESS RD
SUITE 510
HURST, TX 76053

VIABLE CONTRACTORS, LLC
6820 OAK CREST DR E
FORT WORTH, TX 76140

TRUSTEE
BEHROOZ P. VIDA
3000 CENTRAL DRIVE

BEDFORD, TX 76021

US TRUSTEE
1100 COMMERCE STREET
ROOM 976
DALLAS, TX 75242-1496

Date: November 15, 2024

/s/ David L. Pritchard
David L. Pritchard

ANSWER REQUIRED

The Trustee (if one has been appointed) or the Debtor shall file an Answer to any Motion for Relief from the Automatic Stay within twelve (12) days from the service of the Motion.*

The Debtor's Answer shall include a detailed and comprehensive statement as to how the Movant can be "adequately protected" if the stay is to be continued. If the Debtor does not file an Answer as required, the allegations in the creditor's Motion for Relief from the Automatic Stay shall be deemed admitted, and an Order granting the relief sought may be entered by default.

* Under Bankruptcy Rule 9006(c) service by mail is complete upon mailing; under Bankruptcy Rule 9006(f), three (3) days are added to the period for answer or other response when service is by mail.